

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DAVID S. CHANEY
4 Chief Assistant Attorney General
5 FRANCES T. GRUNDER
6 Senior Assistant Attorney General
7 THOMAS S. PATTERSON
8 Supervising Deputy Attorney General
9 KENNETH T. ROOST, State Bar No. 231444
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5824
14 Fax: (415) 703-5843
15 Email: Ken.Roost@doj.ca.gov

16 Attorneys for Defendants Tilton, Scavetta, Horel,
17 Silva, Vanderhoofven, McGuyer, Enos, Barneburg,
18 Countess, Milligan, and Estes

19
20
21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA
24
25 SAN FRANCISCO DIVISION

26
27 JUAN ANGEL MARTINEZ, JR.,

28 Plaintiff,

29 v.

30 JAMES E. TILTON, et al.,

31 Defendants.

32 C 07-4684 CRB (PR)

33
34 DECLARATION OF
35 KENNETH T. ROOST
36 IN SUPPORT OF
37 DEFENDANTS' MOTION
38 FOR EXTENSION OF TIME
39 TO FILE A DISPOSITIVE
40 MOTION

41 I, Kenneth T. Roost, declare:

42 1. I am an attorney admitted to practice before the courts of the State of California and
43 before this Court. I am employed by the California Attorney General's Office as a Deputy
44 Attorney General in the Correctional Law Section, and am assigned to represent Defendants
45 Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,
46 and Estes (Defendants) in this case. I am competent to testify to the matters set forth in this
47 declaration, and if called upon by this Court, would do so.

48 2. On January 11, 2008, the Court ordered service on Defendants, and ordered that their

49 Decl. Roost Supp. Defs.' Mot. EOT File Dispositive Mot.

50 Martinez v. Tilton, et al.
51 C 07-4684 CRB (PR)

1 dispositive motion would be due in ninety days, on April 10, 2008. (Order of Service.)

2 3. In the last month, Defendants' counsel has filed summary-judgment motions in two
3 other cases, a motion to dismiss, and a motion for reconsideration and corresponding reply.

4 Counsel also prepared the legal argument opposing an order to show cause in a class-action case.

5 4. Because of this extra work, much of which was unforeseen, Defendants require
6 additional time to prepare their dispositive motion, and potentially multiple declarations in
7 support of the motion.

8 5. Defendants respectfully request a forty-day extension of time to file their dispositive
9 motion, so that it must be filed on or before May 20, 2008.

10 6. This request for an extension of time is not made for the purpose of harassment, undue
11 delay, or any improper reason. Defendants have made no other requests for an extension of time
12 in this case.

13 7. Plaintiff is confined in state prison and cannot easily be contacted concerning an
14 extension of time. Because Plaintiff is a prisoner, it is also difficult to deliver this motion for an
15 extension of time on the same day it is filed. Thus, Defendants are serving it by overnight mail.

16 I declare under penalty of perjury that the foregoing is true and correct and that this
17 declaration was executed on April 7, 2008, in San Francisco, California.



18
19 Kenneth T. Roost
20 Deputy Attorney General
21
22
23 40237099.wpd
24 SF2008400483
25
26
27
28